

Appl. No. : 09/316,518
Filed : May 21, 1999

action, claims 52-77 and 88-96 were identified as containing allowable subject matter. In the same office action, claims 24-51 and 78-87 were rejected based on statutory double patenting in view of claims 1-32 of U.S. Patent No. 6,016, 311. The title was also objected to in the office action.

Attached hereto is a marked-up version of the changes made to the title by the current amendment. The attached page is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE**. The changes are indicated by underlining insertions and deletions are ~~stricken through~~.

Statutory Double Patenting Rejection

Applicant thanks the Examiner for participating in the telephone interview on February 28 and March 3, 2003. During the interview the undersigned and the Examiner discussed whether the double patenting rejection would more properly be made as an obviousness type double patenting rejection. During the interview it was agreed that it would be more efficient to treat the rejection of claims 24-51 and 78-87 as a rejection under the judicially created Doctrine of Obviousness-Type double patenting and to consider the statutory double patenting rejection as being withdrawn.

In response to a rejection based upon the judicially created Doctrine of Obviousness-Type double patenting, Applicant is submitting herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c). Accordingly, it is submitted that the rejection has been overcome, and that all of the claims are in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

Objection to Title

The title was objected to for being different than the title shown in the declaration filed on October 2, 2000. Applicant has amended the title of the patent application to be the same title as the title in the declaration. In view of the amended title, Applicant requests that the objection to the title be withdrawn.

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CONCLUSION

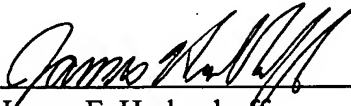
The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding office action. However, if the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/4/03

By: 
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VERSION WITH MARKINGS SHOWING CHANGES MADE

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IN THE SPECIFICATION:

The title as been amended as follows:

(Amended) METHOD AND APPARATUS FOR ALLOCATING BANDWIDTH IN A WIRELESS COMMUNICATION SYSTEM ~~AN ADAPTIVE TIME DIVISION DUPLEXING METHOD AND APPARATUS FOR DYNAMIC BANDWIDTH ALLOCATION WITHIN A WIRELESS COMMUNICATION SYSTEM~~

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